

**PART B - FEE(S) TRANSMITTAL**

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Commissioner for Patents  
P.O. Box 1450  
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7590 09/30/2004

**Certificate of Mailing or Transmission**  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

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(Signature)
See Certificate of Mailing (Date)

Stuart T. Langley, Esq.  
Hogan & Hartson, LLP  
Suite 1500  
1200 17th Street  
Denver, CO 80202  
12/27/2004 EAREGAY2 00000005 10010813

01 FC:1504 300.00 OP  
02 FC:1501 1400.00 OP  
03 FC:1501 30.00 OP

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,813	11/13/2001	Samuel C. Lay	MCD124	3067

TITLE OF INVENTION: METHOD AND APPARATUS FOR PROVIDING OPTIMIZED HIGH SPEED LINK UTILIZATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	12/30/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
PHAN, MAN U	2665	370-420000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.  
1 Baker Botts L.L.P.  
2 \_\_\_\_\_  
3 \_\_\_\_\_

**3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

McData Corporation

Broomfield, Colorado

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

**4a. The following fee(s) are enclosed:**

☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☒ Advance Order - # of Copies 10

**4b. Payment of Fee(s):**

☒ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 02-0384 (enclose an extra copy of this form).

**5. Change in Entity Status (from status indicated above)**

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Barton E. Shewalter  
Typed or printed name Barton E. Shewalter

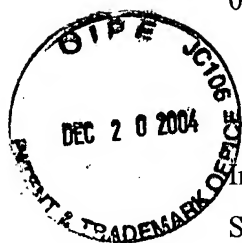
Date 12/17/04  
Registration No. 38,302

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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ATTORNEY DOCKET NO.  
069563.0140

PATENT APPLICATION  
10/010,813



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Samuel C. Lay et al  
Serial No.: 10/010,813  
Filed: November 13, 2001  
Group No.: 2665  
Examiner: Man U. Phan  
Notice of Allowance Mailed: September 30, 2004  
Confirmation No.: 3067  
Title: *Method and Apparatus for Providing Optimized  
High Speed Link Utilization*

**Mail Stop ISSUE FEE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

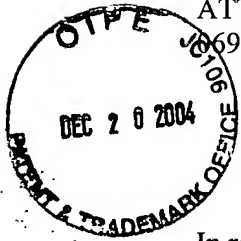
**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that the attached Issue Fee Transmittal (PTOL-85) (one (1) page), Response to Reasons for Allowance (two (2) pages), and Baker Botts L.L.P. Check in the amount of \$1,730.00 are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on this 20th day of December, 2004 addressed to Mail Stop ISSUE FEE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Willie Jiles*  
\_\_\_\_\_  
Willie Jiles

Express Mail Receipt

EV473951895US



ATTORNEY DOCKET NO.  
069563.0140

PATENT APPLICATION  
10/010,813

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Dear Sir:

**RESPONSE TO REASONS FOR ALLOWANCE**

Pursuant to 37 C.F.R. § 1.104, Applicants respectfully issue a statement commenting on the Examiner's reasons for allowance. Applicants respectfully disagree with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicants do not admit to any characterization or limitation of the claims, particularly any that are inconsistent with the language of the claims

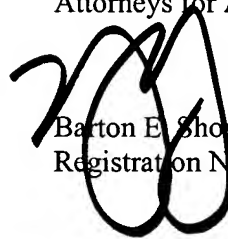
ATTORNEY DOCKET NO.  
069563.0140

PATENT APPLICATION  
10/010,813

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considered in their entirety and including all of their constituent limitations, or to any characterization of a reference by the Examiner.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicants



Barton E. Showalter  
Registration No. 38,302

Date: Dec. 17, 2004  
2001 Ross Avenue, Suite 600  
Dallas, TX 75201-2980  
(214) 953-6494  
Attorney Docket No. 069563.0140